

REMARKS

Claims 11-30 are pending in the present application.

At the outset, Applicants wish to thank Examiner Solola for the helpful and courteous discussion with their undersigned representative on July 27, 2004. During this discussion, several amendments and arguments were discussed to overcome the outstanding rejections. The content of this discussion is reflected in the amendments and remarks set forth herein. Reconsideration is respectfully requested.

The rejection of Claims 11-20 under 35 U.S.C. §112, first paragraph (written description), is traversed.

The Examiner contends that the “specification, on page 6, lines 25-26, disclose that compound of formula I “can be directly used in the synthesis of” compounds of formula IV. However, it fails to provide written description for how the synthesis is performed.” Applicants disagree and wish to refer the Examiner to the Examples of the present application that clearly demonstrate the inventive method for converting compound I to compound IV. In particular, Example 2 demonstrates the reaction of the intermediate of formula I with hydrazine monohydrate to make the final product of formula IV. Based on this disclosure Claim 11 has been amended to recite the reaction with hydrazine monohydrate and, therefore, Applicants submit that the rejection over Claims 11-20 is no longer sustainable and should be withdrawn.

During the discussion with the Examiner, it was requested that Applicants note the improvement provided by the invention claimed in Claims 21-30. To this end, Applicants wish to direct the Examiner’s attention to the discussion appearing on pages 1-3 of the

specification in which the advantages offered by the presently claimed invention are specifically detailed. Among these advantages offered by the claimed improved process for production of the phthalazines of formula (IV), which are specifically discussed on page 3, lines 12-28, is the ability to directly form the desired product in high yield (i.e., near stoichiometric turnover). Accordingly, the claimed process offers a commercial advantage in reducing the cost of production method by reducing the number of steps required in the synthesis of phthalazines of formula (IV) and by increasing the overall yield of this process.

In view of the foregoing, Applicants submit that the presently claimed invention is fully described as defined by 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the outstanding rejection is requested.

The rejection of Claims 11-20 under 35 U.S.C. §112, second paragraph, is traversed.


As defined in MPEP §2173.05(r), an omnibus claim is one in which “reads as follows: A device substantially as shown and described.” This is not the situation reflected in the present Claim 11, which relates to a method for preparing phthalazines of formula (IV). Nonetheless, Applicants have amended the claims to recite that specific steps and reagents for converting compound I to compound IV. As such, this ground of rejection is not longer tenable and should be withdrawn.

Acknowledgment that this ground of rejection has been withdrawn is requested.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Vincent K. Shier, Ph.D.
Registration No. 50,552

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413-2220

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NFO/VKS